

DOCKET NO. 3506.1001-002

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Declaration for Patent Application☐ Supplemental (37 C.F.R. §1.67)

As a named inventor, I hereby declare that:

My residence, mailing address and citizenship are as stated next to my name;

I believe I am the original, first and sole inventor (if only one name is listed) or an original, first and joint inventor (if plural names are listed in the signatory page(s) commencing at page 2 hereof) of the subject matter which is claimed and for which a patent is sought on the invention entitled

METHOD OF TREATING NAUSEA, VOMITING, RETCHING OR ANY COMBINATION THEREOF

the specification of which (check one)

- ☐ is attached hereto.
- ☒ was filed on January 13, 2004 as United States Application Number 10/757,981.
- ☐ was filed on [PCT Filing Date] as PCT International Application No. [PCT Appl'n No.] [OPTION and assigned United States Application No. []].
- ☐ and was amended on [] (if applicable).

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to patentability as defined in 37 C.F.R. §1.56, including for continuation-in-part applications, material information which became available between the filing date of the prior application and the national or PCT international filing date of the continuation-in-part application.

I hereby claim foreign priority benefits under 35 U.S.C. 119 or 365 of any foreign application(s) for patent or inventor's certificate, or of any PCT international application which designated at least one country other than the United States of America, listed below and have also identified below, by checking the box, any foreign application for patent or inventor's certificate, or of any PCT international application having a filing date before that of the application on which priority is claimed:

<u>Prior Foreign Application(s)</u>			Priority Not Claimed	Certified Copy Filed? YES NO	
_____ (Number)	_____ (Country)	_____ (Day/Month/Year filed)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
_____ (Number)	_____ (Country)	_____ (Day/Month/Year filed)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
_____ (Number)	_____ (Country)	_____ (Day/Month/Year filed)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full name of sole

or first inventor Steven B. Landau

Inventor's Signature  Date 1/29/04

Residence 44 Tanglewood Road

Wellesley, Massachusetts 02481

Citizenship U.S.A.

Mailing Address Same as above

Full name of second joint

inventor, if any Cheryl L. Miller

Inventor's Signature  Date 1-29-04

Residence 39 Florence Street


Natick, Massachusetts 01760

Citizenship U.S.A.

Mailing Address Same as above

Full name of third joint

inventor, if any Karl B. Thor

Inventor's Signature  Date 1/30/04

Residence 109 Draymore Way

Morrisville, North Carolina 27560

Citizenship USA

Mailing Address Same as above

Full name of fourth joint

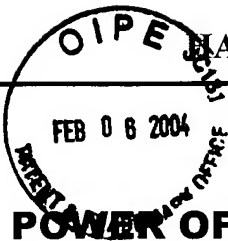
inventor, if any _____

Inventor's Signature _____ Date _____

Residence _____

Citizenship _____

Mailing Address _____



HAMILTON, BROOK, SMITH & REYNOLDS, P.C.

**POWER OF ATTORNEY OR
AUTHORIZATION OF AGENT AND
CORRESPONDENCE ADDRESS**

Application Number	10/757,981
Filing Date	January 13, 2004
First Named Inventor	Steven B. Landau
Confirmation Number	
Group Art Unit	
Examiner Name	
Attorney Docket Number	3506.1001-002

Title Method of Treating Nausea, Vomiting, Retching or any Combination Thereof

I/We hereby appoint

☒ the attorneys/agents associated with **Customer No. 021005**

☐ Practitioner(s) named below:

as my/our attorneys/agents to prosecute the application identified above, including any continuation or divisional applications thereof, and to transact all business in the United States Patent and Trademark Office connected therewith.

The correspondence address for the above-identified application is:

☒ Customer Number 021005

Hamilton, Brook, Smith & Reynolds, P.C.

530 Virginia Road

P.O. Box 9133

Concord, Massachusetts 01742-9133

☐ Other

Please direct all telephone calls and facsimiles to:

Name Helen E. Wendler, Esq. Tel. No. 978-341-0036 Fax No. 978-341-0136

I am the:

☐ Applicant/Inventor.

☒ Authorized representative of the Assignee, Dynogen Pharmaceuticals, Inc., of the entire interest. See 37 C.F.R. § 3.71. A Statement under 37 C.F.R. § 3.73(b) is enclosed.

☐ Authorized representative of the Assignee, [], together with [], of the entire interest. A Statement under 37 C.F.R. § 3.73(b) is enclosed.

SIGNATURE of Applicant or Assignee of Record

Name & Title Mark F. Boshar, Esq., Vice President of Legal Affairs and Chief Patent Counsel

Signature

Date

2-2-04



Docket No. 3506.1001-002

STATEMENT UNDER 37 C.F.R. § 3.73(b)

Inventor(s): Steven B. Landau, Cheryl L. Miller and Karl B. Thor

Application No./Patent No.: 10/757,981

Filed/Issue Date: January 13, 2004

For: METHOD OF TREATING NAUSEA, VOMITING, RETCHING OR ANY COMBINATION THEREOF

Dynogen Pharmaceuticals, Inc.

(Name of Assignee)

a Corporation

(Type of Assignee, e.g., corporation, partnership, university, government agency, etc.)

states that it is

- A. ☒ the assignee of the entire right, title and interest in the patent application identified above; or
- B. ☐ an assignee together with ☐ of the entire right, title and interest in the patent application identified above.

The right, title and interest of the above-named assignee in the patent application identified above is established by virtue of:

- A. ☒ An assignment from the inventor(s) of the patent application identified above. The assignment was recorded in the Patent and Trademark Office at Reel _____, Frame _____, or a copy thereof is attached.

OR

- B. ☐ A chain of title from the inventor(s) of the patent application identified above, to the current assignee as shown below:

1. From: _____ To: _____
The document was recorded in the United States Patent and Trademark Office at Reel _____, Frame _____, or a copy thereof is attached.
2. From: _____ To: _____
The document was recorded in the United States Patent and Trademark Office at Reel _____, Frame _____, or a copy thereof is attached.
3. From: _____ To: _____
The document was recorded in the United States Patent and Trademark Office at Reel _____, Frame _____, or a copy thereof is attached.

☐ Additional documents in the chain of title are listed on a supplemental sheet.

The undersigned (whose title is supplied below) is authorized to act on behalf of the assignee.

Date: 2-2-04

Name: Mark F. Bosher

Title: V.P. Legal Affairs-CPE.

Signature: Mark F. Bosher

COPY

Docket No. 3506.1001-002

Joint

ASSIGNMENT

WHEREAS, we, **Steven B. Landau, Cheryl L. Miller and Karl B. Thor**, have invented a certain improvement in **Method of Treating Nausea, Vomiting, Retching or any Combination Thereof** described in an application for Patent,

- ☐ the specification of which is being executed on even date herewith and is about to be filed in the United States Patent Office (*use for 37 CFR §1.53(b) filings only*);
- ☐ is about to be filed in the United States Patent Office as a Provisional Application;
- ☒ the specification of which is United States Application No. **10/757,981**;
- ☐ the specification of which is a Patent Cooperation Treaty Application, International Application No. [], which designates the United States of America;
- ☐ which was patented under United States Patent No. [].

WHEREAS, **Dynogen Pharmaceuticals, Inc.** (hereinafter "ASSIGNEE"), a corporation organized and existing under the laws of the **State of Delaware**, and having a usual place of business at **31 St. James Avenue, Suite 905, Boston, Massachusetts 02116** desires to acquire an interest therein in accordance with agreements duly entered into with us;

NOW, THEREFORE, to all whom it may concern be it known that for and in consideration of said agreements and of other good and valuable consideration, the receipt of which is hereby acknowledged, we have sold, assigned and transferred and by these presents do hereby sell, assign and transfer unto said ASSIGNEE, its successors, assigns and legal representatives, the entire right, title and interest in and throughout the United States of America, its territories and all foreign countries, in and to said invention as described in said application, together with the entire right, title and interest in and to said application and such Letters Patent as may issue on said invention; said invention, application and Letters Patent to be held and enjoyed by said ASSIGNEE for its own use and behalf and for its successors, assigns and legal representatives, to the full end of the term for which said Letters Patent may be granted as fully and entirely as the same would have been held by us had this assignment and sale not been made; we hereby convey all rights arising under or pursuant to any and all international agreements, treaties or laws relating to the protection of industrial property by filing any such applications for Letters Patent. We hereby acknowledge that this assignment, being of the entire right, title and interest in and to said invention, carries with it the right in ASSIGNEE to apply for and obtain from competent authorities in all countries of the world any and all Letters Patent by attorneys and agents of ASSIGNEE's selection and the right to procure the grant of all such Letters Patent to ASSIGNEE for its own name as assignee of the entire right, title and interest therein;

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AND, we hereby further agree for ourselves and our executors and administrators to execute upon request any other lawful documents and likewise to perform any other lawful acts which may be deemed necessary to secure fully the aforesaid invention to said ASSIGNEE, its successors, assigns and legal representatives, but at its or their expense and charges, including the execution of applications for patents in foreign countries, and the execution of any future applications including substitution, reissue, divisional or continuation applications, and preliminary or other statements and the giving of testimony in any interference or other proceeding in which said invention or any application or patent directed thereto may be involved;

AND, we do hereby authorize and request each Patent Office and the Commissioner of Patents of the United States to issue such Letters Patent as shall be granted upon said invention to said ASSIGNEE, its successors, assigns, and legal representatives.

IN TESTIMONY WHEREOF, we have hereunto set our hands and affixed our seals the date set forth below.

Inventor's Signature: _____


Steven B. Landau

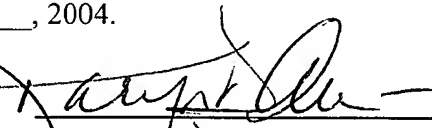
State/Commonwealth

of MASSACHUSETTS

County of SUFFOLK

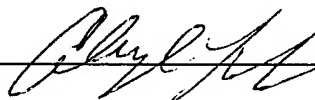
Then personally appeared before me the above-named **Steven B. Landau** and acknowledged that he executed the foregoing instrument as his free act and deed this 29th day of January, 2004.

(SEAL)

 Notary Public
Karyn Anderson (print name)

My Commission expires 9/3/2010

Inventor's Signature: _____



Cheryl L. Miller

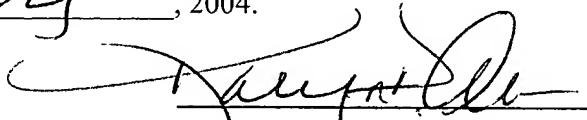
State/Commonwealth

of Massachusetts

County of Suffolk

Then personally appeared before me the above-named **Cheryl L. Miller** and acknowledged that she executed the foregoing instrument as her free act and deed this 29th day of January, 2004.

(SEAL)

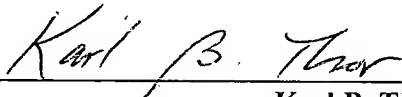


Notary Public

Karyn D. Anderson (print name)

My Commission expires 9 / 3 / 2010

Inventor's Signature: _____



Karl B. Thor

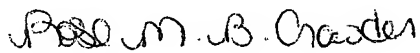
State/Commonwealth

of North Carolina

County of Durham

Then personally appeared before me the above-named **Karl B. Thor** and acknowledged that he executed the foregoing instrument as his free act and deed this 30th day of January, 2004.

(SEAL)



Notary Public

Rose M B Crowder (print name)

My Commission expires 9 / 3 / 08